

ARLINGTON PUBLIC SCHOOLS

In accordance with the provisions of the Massachusetts General laws, Chapter 30A, Section 20, notice is hereby given for the following meeting of the:

***Arlington School Committee
Standing Subcommittee: Policies and Procedures
Thursday, April 27, 2017
5:30 PM***

*Arlington High School
School Committee Room, 6th Floor
869 Mass Avenue
Arlington, MA 02476*

Open Meeting

Public Participation

Proposal from Bill Hayner to amend policy BBA and BBA-1

Somerville immigration status resolution and related policy changes

MASC policy review status

Policies to review through the year

Set time and date for additional meetings

New Business

Adjournment

The listings of matters are those reasonably anticipated by the Chair, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Stated times and time amounts, listed in parenthesis, are the estimated amount of time for that particular agenda item. Actual times may be shorter or longer depending on the time needed to fully explore the topic.

Submitted by Len Kardon, Chair of Policies and Procedures



Town of Arlington, Massachusetts

Proposal from Bill Hayner to amend policy BBA and BBA-1

ATTACHMENTS:

Type	File Name	Description
▣ Policy	bba_School_Committee_Powers_and_Duties_4_27_2017_.pdf	BBA School Committee Powers and Duties
▣ Policy	bba-1_School_Committee_Hiring_Procedure_4_27_2017.pdf	BBA-1 School Committee Hiring Procedures

SCHOOL COMMITTEE POWERS AND DUTIES

The Arlington School Committee, as organized under the laws of the Commonwealth of Massachusetts, shall have general charge of all the public schools. The School Committee exercises any and all authority and responsibility for public education in Arlington that has not been expressly reserved by the State. Whatever powers and authority the School Committee has, it has as a unit, acting in formal session. No person or group, including individual Committee members, shares any of that authority, unless expressly so authorized by vote of the Committee.

According to Chapter 71, Sections 37 and 59 of the General Laws of Massachusetts, the School Committee

- shall have the power to select and to terminate the superintendent, and fix his compensation,
- shall establish and appoint positions of assistant or associate superintendents **school business administrator, administrator of special education, school physician, registered nurse, supervisor of attendance and legal counsel** (Superintendent will make his/her recommendation and the full committee will vote. The committee shall approve or disapprove the appointment, but shall not unreasonably withhold its approval. If the superintendent requests, the committee shall explain its disapproval of a recommended candidate) and shall fix their compensation, **(See BBA-1 for hiring procedure)**
- shall review and approve budgets for public education in the district, and
- shall establish educational goals and policies for the schools in the district consistent with the
- requirements of law and statewide goals and standards established by the board of education.

Arlington's Town Manager Act further stipulates that the School Committee shall be responsible for the study, consideration and recommendations as to construction, reconstruction, alterations, improvements and other undertakings pertaining to school buildings or property.

The School Committee takes a broad view of its functions. In addition to the powers and duties described above, the duties of the School Committee shall include, but not be limited to the following:

1. Interpretation of the needs and desires of the community in educational matters.
2. Provision for keeping the public informed of the purposes, needs, and conditions of education in Arlington.
3. Approval of an annual budget, which will attempt to reconcile fiscal responsibility with educational needs for Arlington.
4. Review of school programs and curricula as presented by the Superintendent.
5. Appraisal of the effectiveness of the Superintendent.
6. Reviewing and approving annual goals for the district, and tracking performance against those goals.
7. Evaluating the effectiveness of district policies and their implementation.
8. Determination of wages, hours and working conditions of employees of the Arlington Public Schools, including those provided for under collective bargaining laws.

9. Reviewing Principal contracts for compliance with district policy and budgeted compensation, and approving if compliant. (Note the Committee does *not* review and approve the hire, just the terms of the contract.)
10. Approval of job descriptions for new positions with reference to qualifications for employment, salary schedules, annual budget and other personnel policies; approval of changes to the job descriptions of the Superintendent, Assistant Superintendent, Chief Financial Officer, and Special Education Director; be informed by the Superintendent of modifications to job descriptions for posted positions; and ensure that the district has updated job descriptions on file for all personnel.
11. Consideration of specific actions recommended by the Superintendent.
12. Implementation of all actions required by laws.

LEGAL REFS: M.G.L. 41:1 and 71:37 specifically, but powers and duties of School Committees are established throughout the General Laws of Massachusetts Relating to School Committees
Town Manager Act, Sections 6 and 15

CROSS REFS: Specifically AA, School District Legal Status, BB, School Committee Legal Status, BBAA, School Committee Member Authority, but powers and duties of the Arlington School Committee are established throughout the policies of the Arlington Public Schools

Revised and Approved by School Committee February 26, 2008 (September 12, 2013)

SCHOOL COMMITTEE HIRING PROCEDURE

The Arlington School Committee shall use the following procedure when hiring a superintendent, assistant superintendent, school business administrator, administrator of special education, school physician, registered nurse, supervisor of attendance and legal counsel. All the following will utilize input from the superintendent with the exception of the position of superintendent.

1. Utilize an existing, adapt or create a job description for the position that has been vacated.
2. Determine extent of the search (internal, local, state, national) and advertise appropriately
3. Appoint a search committee
Committee will consist of:
 - At least two (2) but not more than three (3) School Committee members
 - Superintendent
 - Human Resource Director (HR)
 - At least one (1) but not more than three (3) principals, if more than one the others must be from different levels
 - Community members not to exceed four (4)
 - Other(s) as the School Committee feels appropriate
4. Human Resource Director collects and brings forward all applications that meet the criteria stated in the job description. (At time HR will notify the full committee that these applications may be reviewed by them)
5. Search committee will review all applications that qualify in #4.
6. The search committee will select a number of qualified applicants to go forward at least two (2)
7. The Human Resource Director will verify the applicants' recommendations and report back to the search committee. If there is an issue with one or more of the applicant's recommendations the search committee will go back to step #5.
8. These applicants, at least two (2), will be brought forward to an open meeting of the full School Committee to be interviewed. After the applicants have left the Superintendent will make his/her recommendation and the full committee will vote. The committee shall approve or disapprove the appointment, but shall not unreasonably withhold its approval. If the superintendent requests, the committee shall explain its disapproval of a recommended candidate.

LEGAL REFS: M.G.L. 41:1 and 71:37 specifically, but powers and duties of School Committees are established throughout the General Laws of Massachusetts Relating to School Committees
Town Manager Act, Sections 6 and 15

Approved by School Committee



Town of Arlington, Massachusetts

Somerville immigration status resolution and related policy changes

ATTACHMENTS:

Type	File Name	Description
<input type="checkbox"/> Reference Material	somerville_resolution.pdf	Resolution Somerville immigration

**SOMERVILLE PUBLIC SCHOOLS
SCHOOL COMMITTEE**

**RESOLUTION TO AFFIRM SOMERVILLE PUBLIC SCHOOLS AS
SAFE AND WELCOMING FOR ALL STUDENTS**

- WHEREAS,** the mission of Somerville Public Schools (“SPS”) is to maintain a multicultural school community dedicated to the realization of the full intellectual, physical, social, and emotional potential of its students;
- WHEREAS,** SPS is committed to providing a safe and welcoming learning environment in order to increase achievement and access for all students irrespective of their immigration status, national origin, ethnicity, race, religion, sexual orientation, sex and gender identity, socio-economic status, disability status, or beliefs;
- WHEREAS,** the City of Somerville (the “City”) declared its commitment to providing all people with the same rights and privileges regardless of immigration status by passing the April 22, 1993 City of Equal Opportunity Resolution;
- WHEREAS,** the City is enriched and strengthened by its diverse cultural heritage, multinational population, and welcoming attitude toward newcomers;
- WHEREAS,** education plays a critical role in furthering tolerance and inclusivity within our society;
- WHEREAS,** the United States Constitution prohibits states from denying students a public elementary or secondary education on account of their immigration status;
- WHEREAS,** the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin, among other factors, by public elementary and secondary schools (Title IV) and by recipients of federal financial assistance (Title VI);
- WHEREAS,** the Family Educational Rights and Privacy Act of 1974 (“FERPA”) and Massachusetts law generally prohibit school districts and their employees from disclosing information from a student’s education record to a third party without the prior written consent of a parent, a legal guardian, or the student;
- WHEREAS,** no law requires the City departments or employees to volunteer to federal immigration law enforcement officers information regarding the immigration status of any individual in the City;
- WHEREAS,** the United States Constitution and the Massachusetts Declaration of Rights prohibit unreasonable searches and seizures;
- WHEREAS,** searches and seizures are generally unreasonable unless conducted pursuant to a valid warrant issued by a neutral magistrate or judge, or under exigent circumstances, which typically involve hot pursuit of a criminal suspect or destruction of evidence and are extremely unlikely to be present in the context of students engaged in school activities;

WHEREAS, the U.S. Department of Homeland Security (“DHS”) and its predecessor have repeatedly affirmed as a general policy that federal immigration law enforcement officers must obtain prior approval from high-level DHS officials before conducting any enforcement actions — including arrests, interviews, searches, or surveillance — at or focused on schools, which DHS has designated as “sensitive locations”;

WHEREAS, SPS has legal custody of students during the school day and during hours of approved extracurricular activities, and it is the responsibility of SPS to protect each student’s rights regarding interactions with law enforcement officials;

WHEREAS, the School Committee has, and has delegated to the Superintendent, the authority to control access to school buildings and premises to protect the best interests of students;

WHEREAS, the policy of SPS is to prohibit access to school buildings and premises by any individual or organization whose presence will disrupt the educational setting; and

WHEREAS, the presence of federal immigration law enforcement officers on school premises or during school activities will disrupt the educational setting and will exert a chilling effect on student enrollment and attendance;

NOW, THEREFORE, be it:

RESOLVED: That all SPS students have the same right to a free public education and associated school services, and that all SPS students will be treated equally regardless of their immigration status;

RESOLVED: That SPS will not seek or maintain information regarding the immigration status of any student or family member for the purpose of fulfilling the student’s residency requirement, age requirement, or any other reason, except to inform a student about circumstances in which a determination of citizenship status is a prerequisite for establishing a student’s eligibility for scholarships or other financial awards;

RESOLVED: That all requests by federal immigration law enforcement officers to enter any Somerville public school building or premises, or to communicate with any student while that student is under the supervision of SPS during any school activity or while utilizing SPS transportation, shall be forwarded immediately to the Superintendent, the City Solicitor, and the Chief of the Somerville Police Department;

RESOLVED: That no federal immigration law enforcement officer shall be permitted to enter any Somerville public school building or premises without either written approval from the Superintendent or a valid judicial warrant signed by a neutral magistrate or judge, except under exigent circumstances;

RESOLVED: That all subpoenas or other requests received by SPS for any information from a student's education record shall be forwarded immediately to the City Solicitor who, in determining the response to such subpoenas or requests, shall consult with the Superintendent and shall exercise the full extent of the lawful authority of SPS to protect the constitutional and legal rights of SPS students;

RESOLVED: That SPS shall provide training and any additional resources it deems necessary to its existing crisis and emergency response teams in order to ensure the safety and well-being of students who may be impacted by immigration enforcement actions;

RESOLVED: That SPS shall post this Resolution at every school location and distribute it to staff and parents in the most commonly-spoken languages of the City; and

RESOLVED: That if a court of law declares any part of this Resolution to be contrary to any statute, regulation, or judicial decision, the validity of the remainder of this Resolution shall not be affected.

RESOLVED: That a copy of this resolution be delivered to the Governor, Attorney General, and the Somerville state and local legislative delegations and otherwise widely distributed.

VOTED: Unanimously

DATE: March 6, 2017

BY THE: Somerville School Committee